

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert M. McDermott on 9/20/2010.

Claim 17 Amendment: A pair of earbuds coupled to a corresponding pair of channels of an audio device, each earbud comprising: a transducer that is configured to provide sound from the corresponding channel of the audio device, and a sensor that is configured to detect a touch of the earbud, and to provide an indication of the touch to the audio device, to facilitate control of the audio device based on the indications from the pair of earbuds; wherein at least one function being controlled by the indication of the touch from a first earbud of the pair of earbuds differs from each function being controlled by the indication of touch from a second earbud of the pair of earbuds, and the outer surface of at least one of the controllers includes a second touch sensitive area, such that the second touch-sensitive area is touched substantially by the ear when the controller is substantially worn in or by a human ear, the controller being arranged to send the corresponding control signal only if the second touch-sensitive area is touched.

Claim 25 Amendment: A personal audio system comprising: a remotely controllable device, a controller for remotely controlling the device by sending a control signal to the device, wherein the controller includes an outer surface with a first touch-sensitive area, and is configured to: be substantially worn in or by a human ear, detect a touching of the touch-sensitive area when the controller is substantially worn in and by the human ear, and send the control signal to control one or more functions of the personal audio system based on the touching and the outer surface of at least one of the controllers includes a second touch sensitive area, such that the second touch-sensitive area is touched substantially by the ear when the controller is substantially worn in or by a human ear, the controller being arranged to send the corresponding control signal only if the second touch-sensitive area is touched.

Allowable Subject Matter

1. Claims 1-3, 5, 9-10, 12-14, 17-23, 25-35 are allowed.
2. The following are examiner's statement of reasons for allowable subject matter:

Referring to claim 1, the Vossler (US Patent 7206429 B1) discloses a personal audio system comprising: a remotely controllable device, a first controller for remotely controlling the device by sending a first control signal to the device, a second controller for remotely controlling the device by sending a second control signal to the device. The Vossler reference taken alone or in combination with another, does not disclose, teach or fairly suggest wherein: each of the first controller and the second controller includes an outer surface with a touch-sensitive area, and is configured to: be substantially worn

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in or by a human ear, detect a touching of the touch-sensitive area, and send the corresponding control signal to control one or more functions of the personal audio system based on the touching; at least one of the one or more functions being controlled by the first controller differs from one or more functions being controlled by the second controller; and wherein the outer surface of at least one of the controllers includes a second touch sensitive area, such that the second touch-sensitive area is touched substantially by the ear when the controller is substantially worn in or by a human ear, the controller being arranged to send the corresponding control signal only if the second touch-sensitive area is touched as recited in claim 1.

Claims 9, 17, 20 & 25 have been allowed for the same reason as claim 1.

Claims 2-3, 5, 10, 12-14 depend on claim 1. Claims 18-19 depend on claim 17.

Claims 21-23 depend on claim 20. Claims 26-35 depend on claim 25.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE MONIKANG whose telephone number is (571)270-1190. The examiner can normally be reached on 9:00-5:00 EST Monday-Friday, Alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GEORGE MONIKANG/
Examiner, Art Unit 2614

9/14/2010

/Vivian Chin/
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